



Case Report

1	Case Number	0357/14
2	Advertiser	Cure Brain Cancer foundation
3	Product	Community Awareness
4	Type of Advertisement / media	Cinema
5	Date of Determination	27/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is set in an operating theatre and features a boy aged about eight whose head is shaved and who has an incision mark in texta on his forehead. The sounds in the room include operating machinery and the sound of a drill. At the end of the advertisement the surgeon and staff in the operating theatre are seen and they are also children. The voiceover says: "Brain cancer kills more children than any other disease. Don't let them fight it alone" followed by a call to action for people to donate money to the Cure Brain Cancer Foundation at curebraincancer.org.au or by calling 1300 362 965.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

This advert targeting fund raising and aware for the Cure Brain Cancer Foundation is TOTALLY dis-tasteful. I am previous child cancer patient (diagnosed when 12 & again when I was 18) and while I don't doubt the facts in the advert, however, the content is outrageously offensive. This not only made myself, my partner and everyone else in the cinema verbally express their disgust over this vulgarity of this advert. I have no doubt that it is a worthy cause however, the vulgar advert should be removed. It's not that this advert is confronting and very "real" for some children and their families, however, the advert could have been done with A LOT more taste.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Background

Cure Brain Cancer Foundation is the largest dedicated fundraiser for brain cancer research in Australia and is committed to raising awareness of brain cancer and funding for brain cancer research, in the hope of improving brain cancer survival rates. Brain cancer kills more children than any other disease and more adults under 40 than any other cancer, and survival rates have barely increased for 30 years. It costs more per patient than any other cancer, yet brain cancer only receives a tiny fraction of NHMRC (Government) cancer research funding. Cure Brain Cancer recently conducted a survey that showed that nine out of ten Australians were unaware that brain cancer kills more children than any other disease, many still believing Leukaemia was the disease at the top of the list for children.

The objective of the advertisement is to rapidly raise public awareness of brain cancer to ultimately support fundraising efforts to fight this deadly disease. This includes private donations but also government and corporate funding as pressure from public opinion increases. Given brain cancer's low profile at present, the advertisement aims to deliver a powerful message so that people will remember the advertisement and the disease to which it refers. The objective is to increase awareness of the fact that brain cancer kills more children than any other disease from one out of ten to three out of ten within three months.

The advertisement is set in an operating theatre and features a boy aged about eight whose head is shaved and who has an incision mark in texta on his forehead. The sounds in the room include operating machinery and the sound of a drill. At the end of the advertisement it emerges that the surgeon and staff in the operating theatre are also children. The voiceover says: "Brain cancer kills more children than any other disease. Don't let them fight it alone" followed by a call to action for people to donate money. While the creative may be confronting to some viewers, it was developed to reflect the strength and determination with which children with brain cancer have fought, and to highlight the sad fact that these children often have no choice but to fight on their own behalf, with few treatments; usually their only options being surgery and/or radiotherapy.

There is both a 15 second version and a 30 second version of the advertisement. It received a PG rating from CAD and has aired in the appropriate timeslots.

Response

We do not consider that the advertisement is in breach of the AANA Code of Ethics (Code). We also do not consider that the AANA Code for Advertising and Marketing Communications to Children applies as the advertisement is not directed, and does not have principal appeal, to children.

We note that the issues the complainant has raised are most likely to relate to clause 2.3 of the Code, which relates to violence. We nevertheless do not consider that the advertisement breaches sections 2.1-2.2 or 2.4-2.6 of the Code as it cannot reasonably be interpreted to portray people in a discriminatory way and does not contain any element of sexuality or strong language. In respect of prevailing community standards on health and safety, we note that the use of child actors is merely a device to support the message of not letting children fight brain cancer alone and the advertisement does not in any way promote children performing surgery. We consider that the advertisement would be interpreted by reasonable members of the community in this way.

In relation to the AANA Code for Advertising and Marketing Communications to Children, we draw guidance from the relevant AANA Practice Note, which states that marketing

communication which features children but does not otherwise use themes, visuals or language which is targeted at children may not be directed primarily to children. While the advertisement features children as actors, we note that the theme, visuals and language of the advertisement support a message that is clearly directed towards adults. The purpose of the advertisement is to raise community awareness primarily and also support fundraising efforts, activities which by their nature are also directed at an adult audience as the audience with the capacity to donate money.

In relation to the concerns that the advertisement is not appropriate for children to view, we note that the advertisement received a CAD rating of PG and therefore does not contain any elements which are not appropriate for children to view with supervision. It has only aired in timeslots appropriate to this rating. We also do not consider that the advertisement contains any actual or suggested violence in the sense that the word is commonly understood in the community. While the imagery used in the advertisement suggests that the surgical procedure is a serious one which requires the use of particular surgical instruments, it does not amount to violence and is justified in the context of the community awareness campaign and is appropriate for the relevant audience. The reality of how such a surgery would be conducted is not something that those unaffected by brain cancer would normally be exposed to, and this may cause discomfort for some viewers.

In relation to the concerns that the advertisement is “traumatic” and “distressing”, we agree that the advertisement utilises powerful imagery to support its message. However, we believe that this is fully justified in the context of the Cure Brain Cancer campaign and the important community awareness message being promoted that brain cancer kills more children than any other disease. We note that the Board has consistently found that images which may be confronting or distressing to some viewers can give an advertisement greater impact and that this is justified by the significant message being delivered. Determinations including such observations include Case Report numbers 0313/12, 0052/12 and 0469/11. Imagery such as the use of children in the operating theatre is essential to help raise community awareness of a disease which, despite its seriousness and the number and high mortality of the children affected, continues to have a low public profile.

In particular, we refer to Case Report number 0146/14, in which the Board considered an advertisement for St John Ambulance WA featuring a young child playing in a swimming pool who then hits his head and disappears under water. The boy’s mother rushes to his aid but finds herself blocked by an invisible barrier which prevents her from reaching her drowning child. In that case the Board noted that it had previously dismissed complaints about community awareness campaigns where it had accepted that a higher level of violence can be shown where it is considered to be justifiable in the context of the important health message being conveyed to the public. The Board also acknowledged that while some members of the community would find the advertisement to be distressing, “in the Board’s view the impact of the advertising is vital in order to deliver the important community awareness issue relating to first aid in a manner which is appropriate for the relevant audiences.” We consider that the same must be said in this case and would also suggest that the potential for visual distress caused by the St John Ambulance WA ad would be significantly greater than the advertisement in question.

Cure Brain Cancer Foundation understands that some members of the public may have found the advertisement confronting. However, we note that even some of the complainants recognised the importance of raising awareness of brain cancer. Elements of the advertisement such as the sound of the drill and images of the surgeon’s hand moving behind the patient’s head are appropriate in the context of the advertisement and are justifiable in the context of raising community awareness of brain cancer. We therefore respectfully submit that the advertisement does not breach clause 2.3 of the Code.

In considering this matter, we also request that the Board considers that the advertisement was shared with key stakeholders directly affected by brain cancer prior to its release and received their strong support. While there have been some complaints, the vast majority of feedback received has been overwhelmingly positive. The advertisement has received hundreds of 'likes' on Facebook and has been shared more than 700 times from Cure Brain Cancer Foundation's Facebook page.

We also note that two of the children cast in the advertisement lost their father to brain cancer and wanted to take part to help raise awareness of brain cancer and the need for research funding.

Brain cancer has appalling survival rates. Given that so little research has been done to date compared to other cancers, Cure Brain Cancer Foundation recognised the need to raise public awareness and funding quickly. This advertisement and campaign is an essential step to support that goal, and Cure Brain Cancer Foundation has expended significant resources in the preparation of this television advertisement to help significantly increase awareness. We appreciate the opportunity to respond to the complaints and acknowledge the advertiser's commitment to self-regulation of advertising in Australia. We sincerely hope that the Board reviews the advertisement positively having regard to the points raised above.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement depicts scenes that are disturbing and upsetting to viewers and could cause alarm and distress for children who may see it.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that the advertisement features an operating theatre with a young boy lying on the operating table whose head is shaved and who has an incision guide mark in texta on his forehead. The sounds in the room include operating machinery and the sound of a drill. At the end of the advertisement the surgeon and staff are seen and they are also children. The voiceover says: "Brain cancer kills more children than any other disease. Don't let them fight it alone" followed by a call to action for people to donate money to the Cure Brain Cancer Foundation at curebraincancer.org.au or by calling 1300 362 965.

The Board noted that they had recently dismissed complaints for an advertisement for St John Ambulance (0146/14) that included scenes of a distressed mother unable to reach her drowning son. In case 0146/14, the Board considered that "... the scene of the boy hitting his head is fleeting and is shown for the purpose of giving cause to the reason he fell into the pool. The Board noted that the advertisement is realistic in its depiction of the mother being distressed about not being able to reach or save her son and that it is alarming but is critical to the effectiveness of the advertisement."

Similar to the matter mentioned above, the Board considered that the realistic sounds and nature of the advertisement are critical to the effectiveness of the campaign and the ultimate request for assistance for the cause.

The Board noted that the scenes displayed in the advertisement were confronting, but did not consider the depiction of the child on the operating table was excessive and noted the important message underlying the images used in the advertisement. The Board considered that the use and sound of the drill was very confronting and realistic, but considered however that it was necessary to increase the emotive response and shock viewers into action.

The Board noted its previous decisions relating to public health and safety campaigns, where it accepted that a higher level of violence (graphic images) can be shown where it is considered to be justifiable in the context of the important health message being conveyed to the public. The Board noted that there was no blood or images of upset children and considered that it was unlikely to impact visually on young children.

The Board considered that most members of the community would be in support of the message being advertised in this manner for the benefit of the community as a whole and determined that the advertisement did not breach section 2.3 of the Code.

Based on the above the Board determined that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.